

ORDINANCE NO. 07-09

ORDINANCE REZONING PROPERTY FROM R-1(ONE FAMILY DISTRICT) TO RO (RESIDENTIAL-OFFICE DISTRICT) ACCORDING TO THE SITE PLAN PREPARED BY PABLO R. GARCIA, P.E. DATED OCTOBER 18, 2006 AND GRANTING A VARIANCE PERMIT TO ALLOW A PROPOSED 5-FOOT LANDSCAPED BUFFER BETWEEN THE OFF-STREET PARKING AND THE RIGHT-OF-WAY, WHERE 7 FEET ARE REQUIRED, AND ALLOW THE EXISTING 10-FOOT REAR YARD SETBACK, WHERE AT LEAST 45 FEET ARE REQUIRED, CONTRA TO HIALEAH CODE §§ 98-2197(a) AND 98-781(2); REPEALING AND RESCINDING HIALEAH, FLA., ORDINANCE 99-17 (FEB. 9, 1999) AND HIALEAH, FLA., ORDINANCE 03-27 (MAR. 31, 2003); **PROPERTY LOCATED AT 705 EAST 8 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of December 12, 2006 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby rezoned from R-1 (One Family District) to RO (Residential-Office District) according to the site plan prepared by Pablo R. Garcia, P.E. dated October 18, 2006 and is hereby granted a variance permit to allow a proposed 5-foot landscaped buffer between the off-street parking and the right-of-

way, where 7 feet are required, and allow the existing 10-foot rear yard setback, where at least 45 feet are required, contra to Hialeah Code §§ 98-2197(a) and 98-781(2), which provide in pertinent part: "Off-street parking areas shall be landscaped according to the latest edition of the Miami-Dade County Landscape Manual for off-street parking and other vehicular areas, . . . " and "There shall be a minimum rear setback of 45 feet from the property line," respectively. Property located at 705 East 8 Avenue, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOT 4, BLOCK 37, SECTION FIVE, SUN-TAN VILLAGE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 53, PAGE 12, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 2: Hialeah, Fla., Ordinance 99-17 (Feb. 9, 1999) and Hialeah, Fla., Ordinance 03-27 (Mar. 31, 2003) are hereby repealed and rescinded in their entireties.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 23 day of January, 2007.


THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



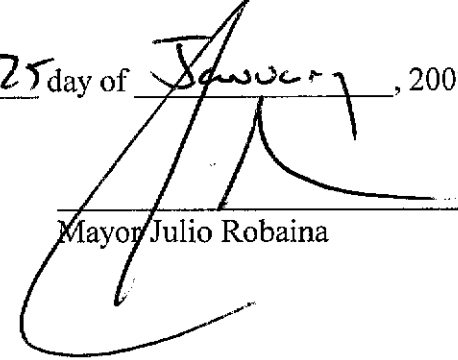
Esteban Bovo
Council President

Attest:

Approved on this 25 day of January, 2007.



Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Gonzalez, Hernandez, Miel and Yedra voting "Yes".